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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11728 OF 2018**

Shaileshkumar Rameshchandra

.....Petitioner

V/s.

State of Maharashtra through its Secretary
and others

.....Respondent

Mr. R. K. Mendadkar for the petitioner
Mrs. R. M. Shinde AGP for the State
Ms. Anjali Baxi for respondent no. 3**CORAM : R. M. SAVANT &
NITIN W SAMBRE, JJ.****DATE : 25th OCTOBER, 2018.****P.C.**

The learned counsel appearing on behalf of respondent no. 3 produces the copy of the order dated 09/03/2018 passed by the Caste Scrutiny Committee. The petitioner in the above Petition has made it bold to assert that the petitioner has not received a copy of the order passed by the Caste Scrutiny Committee. The learned counsel appearing for respondent no. 3 Ms. Baxi informs us that the

copy was sent by the Caste Scrutiny Committee as is the practice as also the copy was sent by RPAD by the respondent no. 3 which is deemed to have been received by the petitioner. The said fact is sought to be disputed by the learned counsel for the petitioner.

2 We have perused the copy of the order passed by the Caste Scrutiny Committee, especially the first page thereof. We have also seen the endorsement of the petitioner on the show cause notice dated 15/09/2018. On such perusal we *prima facie* find that the copy of the order passed by the Caste Scrutiny Committee having been served on the petitioner. Be that as it may, the learned counsel appearing for the respondent no. 3 states that the copy of the order passed by the Caste Scrutiny Committee would be furnished to the petitioner during the course of the day.

3 In view of the fact that the order passed by the Caste Scrutiny Committee is provided to the learned counsel for the petitioner, the petitioner would now be required to challenge the said order invalidating his tribe claim as belonging to 'Kol' Scheduled Tribe. It

is therefore, not necessary to keep the above Writ Petition pending. Same to accordingly stand disposed of with liberty to the petitioner to challenge the order passed by the Caste Scrutiny Committee which would be considered on its own merits and in accordance with law. To facilitate the petitioner, raising such a challenge, the Show Cause notice dated 15/09/2018 not to be acted upon for a period of one week from date. We make it clear that at the end of the period of one week, the aforesaid protection would come to an end unless the petitioner obtains orders from the appropriate Court.

[NITIN W. SAMBRE, J.]

[R. M. SAVANT, J.]